

CLOSED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANTHONY KEVIN FIELDS,	:	Civil No. 09-3376 (RMB)
	:	
Petitioner,	:	
	:	
v.	:	<u>MEMORANDUM OPINION</u>
	:	
P. SHULTZ,	:	
	:	
Respondent.	:	
	:	

It appearing that:

1. On July 9, 2009, Petitioner, an inmate serving a sentence imposed by the District of Columbia who is incarcerated at FCI Fairton, filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 seeking restoration of 27 days of good conduct time forfeited as a disciplinary sanction.

2. On August 3, 2009, Respondent filed an Answer seeking dismissal of the Petition, a certification and several exhibits.

3. On August 14, 2009, the Bureau of Prisons released Petitioner from custody. See Inmate Locator, Fed. Bureau of Prisons, <http://www.bop.gov/iloc2/InmateFinderServlet?Transaction=IDSearch&needMoreList=false&IDType=IRN&IDNumber=18555-083&x=72&y=18> (last accessed Oct. 19, 2009).

4. Article III of the Constitution limits the judicial power of federal courts to "cases or controversies" between parties. U.S. CONST. art. III, § 2. "The exercise of judicial power under Art. III of the Constitution depends on the existence

of a case or controversy," and "a federal court [lacks] the power to render advisory opinions." U.S. Nat'l Bank of Oregon v. Independent Ins. Agents of America, Inc., 508 U.S. 439, 445 (1993) (quoting Preiser v. Newkirk, 422 U.S. 395, 401 (1975). "This case-or-controversy requirement subsists through all stages of federal judicial proceedings." Lewis v. Continental Bank Corp., 494 U.S. 472, 477-78 (1990). "This means that, throughout the litigation, the plaintiff must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision."

Spencer, 523 U.S. at 7.

5. Petitioner's release on August 14, 2009, caused the Petition to be moot because it no longer presented a case or controversy under Article III, § 2, of the Constitution. Spencer, 523 U.S. at 7. See Scott v. Holt, 297 Fed. App'x 154 (3d Cir. 2008) (federal prisoner's § 2241 petition challenging loss of good conduct time is moot when he is released).

6. An appropriate Order accompanies this Memorandum Opinion.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge

Dated: October 21, 2009